

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rule making related to brownfield and grayfield redevelopment tax credit

The Economic Development Authority hereby amends Chapter 65, “Brownfield and Grayfield Redevelopment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 15.293B(4) and 15.295.

Purpose and Summary

The rule making makes the following changes. First, it removes the application scoring criterion which gives projects an additional 25 points if the project was registered under the program in a prior year. Although this criterion may have been desirable when the credit first became competitive, the Authority has experienced an influx of applications for projects that are not ready to move forward but rather are applying only for the purpose of receiving the additional 25 points in a future application round. Second, the rule making removes the 12-month maximum extension for project completion. The removal of this language brings the rules into agreement with language in Iowa Code section 15.293B(4).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 13, 2019, as **ARC 4281C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Economic Development Authority Board on May 17, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 24, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **65.8(2)“a”** as follows:

a. Each application for tax credits during each established application period will be scored according to criteria set forth in this paragraph. Points will be added together and the resulting score averaged with the scores of applications evaluated by all council members. Scoring criteria include:

- (1) The project’s feasibility: 25 points.
- (2) The project’s financial need: 25 points.
- (3) The project’s quality: 25 points.
- (4) ~~Whether the project was formerly registered under the program but did not receive an award:~~
25 points.

ITEM 2. Amend paragraph **65.11(7)“b”** as follows:

b. A registered project shall be completed within 30 months of the project’s approval unless the authority, with the approval of the board, provides additional time to complete the project. ~~A project shall not be provided more than 12 months of additional time.~~ If the registered project is not completed within the time required, the project is not eligible to claim a tax credit.

[Filed 5/23/19, effective 7/24/19]

[Published 6/19/19]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/19/19.